

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 19, 2018**

AGENDA ITEM 1. Call to Order and Roll Call

Chair Buchanan called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Douglas, Plantan, Murray, and Buchanan. Absent: Iverson and Flannigan. Director of Planning and Building Jeff Thomson, and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Chair Buchanan asked for a motion to approve the agenda for the meeting.

Commissioner Murray made a motion, seconded by Commissioner Douglas, to approve the November 19, 2018 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) Approval of October 29, 2018 Meeting Minutes

b.) Adoption of Report and Recommendation for Approval of Combined Preliminary and Final Plat Subdivision and Variance for Highcroft Court 2nd Addition at 450 and 460 Highcroft Rd

~~c.) Adoption of Report and Recommendation for Approval of PUD Amendment, Project Design, and Setback Variance for Wayzata Community Sailing Center at 456 Arlington Cir S~~

Chair Buchanan read the items on the consent agenda and stated he wished to pull Item C for further discussion after the Commission takes action on the consent agenda items.

Commissioner Plantan made a motion, seconded by Commissioner Douglas, to approve the Consent Agenda as presented with the exception of Item C. The motion carried unanimously.

AGENDA ITEM 3A. Pulled Consent Agenda Items

a.) Adoption of Report and Recommendation for Approval of PUD Amendment, Project Design, and Setback Variance for Wayzata Community Sailing Center at 456 Arlington Cir S

1 Chair Buchanan stated the applicant had provided an update to the design of the west side of the
2 building as shown on the submitted elevation for this side.

3
4 Director of Planning and Building Jeff Thomson stated there had been a few application items
5 from the previous meeting the Commission wanted clarification on. These included the hours of
6 operation, special events, and liquor licensing. He explained these items are currently addressed
7 in the conditions of approval included in the original 2012 PUD approval. These conditions would
8 continue to be in place if the application is approved. He noted that the Commission at the last
9 meeting had asked the applicant to look at alternative building materials for the west side of the
10 building. The applicant provided and amended their application with renderings showing where
11 they planned to use cedar planking instead of the cement fiber board. If the Commission approves
12 of this material change he recommended the Report and Recommendation be amended to
13 specifically reference the rendering provided by HGA as an attachment.

14
15 Commissioner Douglas recommended also that the applicant include taller plantings along the
16 west side of the building in their landscape plan, and noted that the applicant had agreed to look
17 into this.

18
19 Commissioner Murray motioned, seconded by Commissioner Plantan, to adopt the Report and
20 Recommendation for Approval of PUD Amendment, Project Design, and Setback Variance for
21 Wayzata Community Sailing Center at 456 Arlington Cir S with the updated rendering showing
22 the cedar material for the west side of the building. The motion carried unanimously.

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25 **AGENDA ITEM 4. Old Business Items:**

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27 **a.) None.**
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30 **AGENDA ITEM 5. Public Hearing Items:**

31
32 **a.) Highcroft North – 153 Peavy Lane**
33 **i. Preliminary and Final Plat Subdivision**
34

35 Director of Planning and Building Jeff Thomson stated the applicant, Sathre-Bergquist Inc, and
36 the property owners And/Or Assigns, LLC, have submitted a development application to subdivide
37 the property at 153 Peavey Lane. The applicant is proposing to subdivide the existing property
38 from one lot into two single-family residential lots. The development application requests
39 approval of preliminary and final plat subdivision reflecting the proposed subdivision. On October
40 1, 2018, the Planning Commission reviewed a previous subdivision application from the applicant
41 to subdivide the property into three single-family residential lots. The Planning Commission
42 directed staff to prepare a denial recommendation for review at the next meeting. After the
43 Planning Commission review, the applicant formally withdrew the application to allow them to
44 submit revised plans for a two lot subdivision. As part of the project, the existing home would be
45 demolished, and two new single-family homes would be constructed on the two new lots. The
46 proposed house pads would comply with all requirements of the R-3 zoning district, including

1 setbacks, lot coverage, and impervious surface. There are 21 trees located on the site that meet the
2 minimum size requirements as either significant or heritage trees. The proposed plans indicate
3 that five significant trees and one insignificant tree would be removed. For a subdivision
4 application, the tree ordinance allows for removal of up to 25 percent of the inches of significant
5 trees before mitigation is required. Based on the proposed removal, 8 inches of replacement trees
6 would be required in place of the significant trees that would be removed. These would be planted
7 along Peavey Road and Shoreline Drive.

8
9 Applicant's Representative, Todd Rapp, And/Or Assigns, LLC, stated even though the previous
10 application for a three lot subdivision met all of the zoning and ordinance criteria, they took the
11 direction from the Planning Commission and residents, and resubmitted an application for a two
12 lot subdivision. He stated the proposed homes would not exceed the hard surface requirements
13 and would improve the neighborhood by replacing the current building. He stated there had been
14 a neighborhood meeting to review the two-lot subdivision. They had received some emails but no
15 one attended the meeting, and there had been more support for the two-lot subdivision.

16
17 Commissioner Douglas asked where the property line would be.

18
19 Mr. Rapp stated the property line would be south of the utility easement.

20
21 Chair Buchanan opened the public hearing on the application at 7:21 p.m.

22
23 Ms. Sherry Smith, 133 Peavey Lane read the following comments from Jenny and Mike Higgins
24 at 144 Peavey Lane:

25 Dear Planning Commission, We would like to communicate our concerns regarding the
26 proposed plans for the development of 153 Peavey Lane. As proposed, we feel that the
27 development doesn't adhere to the Wayzata Comprehensive Plan or the preliminary plat
28 criteria. Although the plans for these homes appear to be tastefully done, the simple fact
29 that there are two of them on one lot simply does not meet the criteria of either set of City
30 guidelines. In an effort to maintain the consistency of this neighborhood, we ask that you
31 consider the following issues: 1.) Specifically the plans for 153 Peavey Lane are not in
32 accordance with the following Wayzata Comprehensive Plan codes: #2 To protect property
33 values through the consistent relationship of land use, streets, sidewalks, natural features
34 and the maintenance of properties. We feel the two-house split is inconsistent with the rest
35 of the street and neighborhood of single-family homes and #3 to protect the residential
36 neighborhoods from encroachment or intrusion by incompatible uses or incompatible
37 higher densities. We worry for the future of this block of Peavey Lane and that higher
38 densities would compromise its character as well as the property values. Nor is it in
39 accordance with the Wayzata preliminary plat criteria Section 805.14.E in points 1, 5, and
40 7: the proposed subdivision or combination shall be consistent with the Wayzata
41 Comprehensive Plan; the creation of lots shall not adversely impact the scale, pattern or
42 character of the City, its neighborhoods or its commercial areas. The two-house plan
43 definitely defies the scale and pattern of the block. In particular, the setback of the
44 proposed home at 153 Peavey Lane is not at all congruent with the setbacks of the other
45 homes. The lot size that results from the subdivision or lot combination shall not be
46 dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial

1 area. These proposed lot sizes vary from the adjacent lots on the block. The zoning statutes
2 on this block are antiquated and require future examination to avoid density issues and to
3 maintain the integrity of the block. To conclude, we request that the Committee consider
4 the consistency of this block as well as growing density issues throughout Wayzata. We
5 feel that this lot would be most appropriately suited to single-family home in congruence
6 with the stated codes as defined within the Wayzata Comprehensive Plan as well as the
7 preliminary plat criteria.
8

9 Ms. Smith stated that she agreed with the comments from Mr. and Mrs. Higgins. Splitting the lot
10 into two lots would change the look of the neighborhood. They support the redevelopment of the
11 lot and appreciated a view on what the potential houses may look like. The issue comes back to
12 the zoning of the block is antiquated and should be reviewed. This lot does not seem conducive
13 to splitting when you look at the remaining lot sizes along that block. One lot is 9606 square-foot
14 and the other is going to be 15,159 square-foot, and this is significantly smaller than all the other
15 lots on the block, which range from 26,175 to 25,445 square-foot. These sizes are due to the depth
16 of the lots. Splitting this lot into smaller lots does not align with the Comprehensive Plan. She
17 expressed concerns about adding a driveway on Peavey Road because there is significant traffic
18 on this road. As a resident on Peavey Lane she does not support this request, but would support
19 the development as a single-family residential home. She stated the neighborhood meeting had
20 been on short notice and many residents had not been able to attend.
21

22 Ms. Carol Danner, 151 Peavey Lane, stated she hates to see the neighborhood change. She is
23 pleased that the developer has reduced the number of lots from three to two but she is not happy
24 with it. Two single-family homes on this lot would disrupt the charm and look of Peavey Lane for
25 the current residents, and be unbalanced with the rest of the neighborhood. The driveway on Lot
26 2 has access to Peavey Road and this would be hazardous and dangerous for school buses. She
27 provided statistics on the number of cars that are on Peavey Road for school. She stated that the
28 principal at the Highcroft school had not been aware of the development plans and has not been
29 able to find any information on the internet. She provided information to the school, and they may
30 be contacting the City in regards to the development.
31

32 Ms. Mary Bader, 117 Peavey Lane, stated she agrees with the neighbors who have expressed
33 concerns and object to the project. This is a very nice neighborhood, and these homes would be
34 inconsistent with the neighborhood. She agreed that the zoning ordinance is antiquated and should
35 be reviewed. She asked if this was the only area that was zone R-3.
36

37 Mr. Thomson stated there are other areas in the City zoned R-3, but there are no other R-3 areas
38 in the immediate area of this project.
39

40 Ms. Bader stated there had been a duplex on the property, but it looked like a single-family
41 residence. She stated the intention would be that if someone wanted to build a duplex this would
42 be the lot that it would work on. She would prefer to have the street remain a single-family
43 neighborhood with a consistent design. She sees the neighborhood changing dramatically with the
44 lots subdividing. She stated this would be the wrong place for these homes.
45

1 Ms. Bader stated she had received a letter from the realtor after the property at 153 Peavey Lane
2 had been sold to find out if she would be interested in selling her property. She had stated she was
3 not interested but believes that if she had, the whole neighborhood would start changing and she
4 does not want it to change.

5
6 Mr. Rapp stated there was an error in the staff report that Lot 2 is 9600 square-feet when it is
7 actually much larger. The entire property is approximately 29,079 square-feet and dividing it into
8 two lots would average a little less than 15,000 square-feet per lot. There is currently a three-plex
9 building on the site that is in a state of deferred maintenance. He understands neighbors not
10 wanting to change the character of their neighborhood, but there have been no comments on the
11 building in its current state and how it affects the neighborhood. He clarified the objective of the
12 project is to improve the character of the neighborhood and improve the property values. The
13 proposed project is consistent with the subdivision ordinance. He stated just about anything can
14 be justified by picking and choosing language from the Comprehensive Plan. He stated one such
15 example is that the directive from the Met Council is that when there is redevelopment the goal
16 should be to have a minimum of five units per acre in residential areas. There are currently three
17 units for this property and there is a current lease license. They are working to meet a balance
18 with the neighborhood by only a two-lot project.

19
20 Chair Buchanan asked if the applicant had reached out to the school, as there was a point brought
21 up about the traffic.

22
23 Mr. Rapp stated they did not reach out to the school directly. He pointed out that the proposed
24 project is 1 unit less than what is currently on the property and this would result in a reduction in
25 traffic.

26
27 Mr. Thomson stated the Blake School had been included in the public hearing notice sent out by
28 the City for both applications.

29
30 Ms. Smith stated that most of the neighbors that spoke did agree the property needed to be
31 redeveloped, but they would like it to be just one single-family home on the property and keeping
32 the lot sizes the same.

33
34 There being no one else wishing to address the Planning Commission on this application, Chair
35 Buchanan closed the public hearing at 7:40 p.m.

36
37 Chair Buchanan stated this seems to be an allowable subdivision, but it was pointed out that the
38 project does not meet the subdivision criteria items 1, 5, and 7.

39
40 Commissioner Plantan asked if the project was in compliance with the code.

41
42 Mr. Thomson stated the project is in compliance with the R-3 zoning requirements. The
43 subdivision criteria are a separate set of criteria to be considered.

44
45 Commissioner Plantan clarified that the property could be redeveloped into a tri-plex and made
46 larger to maximize the lot coverage of the property.

1
2 Mr. Thomson stated the current structure could be larger than it is today but the zoning does not
3 allow a tri-plex, so they would not be allowed to expand a non-conforming use. They could build
4 a duplex or single family home, and this could be a larger footprint based on the setbacks and lot
5 coverage. If the property were to be redeveloped as a duplex, the driveways could be located in
6 the same proposed locations.
7

8 Commissioner Murray stated the property values and density in the area would improve with the
9 redevelopment. He does struggle with the character of the neighborhood.
10

11 Commissioner Douglas stated she supported having the driveways in two different locations. She
12 asked if the driveway along Peavey Lane could be setback further to be more in line with the rest
13 of the street.
14

15 Chair Buchanan stated the Commission was just considering the subdivision and plat at this time.
16

17 Applicant's Representative, Mr. David Pemerton, Sathre-Bergquist, 150 Broadway Ave S, stated
18 the southern lot could have the home moved further back to get it off the road like the rest of the
19 neighborhood. The northern home is a little tighter and they would like to keep some buffer
20 between the two new homes and the home to the east. They are just showing general locations for
21 the homes at this time.
22

23 Commissioner Plantan asked if the other properties in this neighborhood could be subdivided and
24 have access on Shoreline Drive.
25

26 Mr. Thomson stated any proposed subdivision of those properties would have to stand on its own
27 merits and meet the codes. There is no restriction to having access on Shoreline Drive. This
28 application was not allowed access on Shoreline Drive because there was alternative access on a
29 nonarterial road. Any future developments would require a review of the access at the time they
30 would be submitted. Shoreline is not access restricted.
31

32 Commissioner Douglas stated they are not considering a change to the current zoning at this time.
33 This project would not adversely affect the property values of the neighboring homes. The lot
34 configuration is different, but could enhance the neighborhood.
35

36 Commissioner Plantan stated she understood the residents' concerns about traffic and lot size, but
37 the project does have less homes, and therefore less traffic than the current building, and the lots
38 do comply with the R-3 zoning district. She does not believe the project would detract from the
39 home values of the neighboring properties. This project may be a nice buffer for the neighborhood.
40 Intuitively, the density seems different.
41

42 Commissioner Murray stated anything different is hard for any neighborhood. In this case, density
43 is less, traffic is less, values should go up, but the character and look will be a little different
44 because these homes would not be sitting in the center of the lot. Pushing the homes to the center
45 will increase the hard surface on the property. He understands this is a project that the
46 neighborhood does not want, but he would vote to recommend approval.

1
2 Chair Buchanan stated he is struggling with this because he believes the property is zoned
3 incorrectly. He does understand the concerns of the neighborhood, and would not support the
4 project based on the issues raised.

5
6 Commissioner Murray made a motion, seconded by Commissioner Douglas, to direct staff to
7 prepare a draft Planning Commissioner Report and Recommendation with appropriate findings
8 recommending approval of the preliminary and final plat subdivision for Highcroft North located
9 at 153 Peavey Lane for review and approval at the next meeting. The motion carried: 3 ayes and
10 1 nay (Buchanan).

11
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13 **AGENDA ITEM 6. Other Items:**

14
15 **a.) November 7th City Council Meeting Report – Commissioner Flannigan**

16
17 Director of Planning and Building Jeff Thomson provided an update in Commissioner Flannigan's
18 absence. The City Council tabled action on the Zitzloff project at 305 and 309 Lake Street E until
19 their November 20th meeting. They requested the applicant revise the design to comply with the
20 second story setback as outlined in the design standards. They also asked staff to prepare a
21 condition of approval on where any rooftop penetrations could occur due to visual impacts that
22 could occur. The Historical Society has asked to be a part of the public forum at the November
23 20th City Council meeting to provide background on the historic nature of the bank building. The
24 City Council also adopted the first reading of an amendment to the fire code, and amended the
25 City's Fee In Lieu of Parking policy by reducing the finance terms and increasing the interest rate
26 to be more competitive and made this applicable to all of downtown. Mr. Thomson stated the next
27 step for the west end public parking would be to submit an application for wetland alterations. The
28 City does have some wetland credits banked that could be used for this project. The Hughes project
29 was approved by the City Council but they did not submit their subdivision application at the same
30 time. The Planning Commission would be reviewing this subdivision application at the December
31 3rd meeting. The City would also be talking with Wayzata Blu about the transfer of ownership for
32 the land the City has an easement over for parking.

33
34 **b.) Review of Development Activities**

35
36 Director of Planning and Building Jeff Thomson stated upcoming development activities include
37 four new development applications. These include a variance request for a deck, a variance request
38 from St. Barts to add covered entrances, a subdivision at 353 Ferndale Road, and the subdivision
39 for the Hughes project.

40
41 **c.) Next Meeting**

42
43 Chair Buchanan asked the Commission if they would like to consider moving the start time of the
44 Commission's regular meetings from 7:00 pm to 6:30 pm starting in 2019.

1 There being no objection from the Commission, Mr. Thomson noted he will look into changing
2 the start time of the Planning Commission meetings starting in 2019.

3
4 Director of Planning and Building Jeff Thomson stated the next Planning Commissioner meeting
5 was scheduled for December 3, 2018.

6
7
8 **AGENDA ITEM 7. Adjournment.**

9
10 There being no further business on the agenda, Chair Buchannan asked for a motion to adjourn.

11
12 Commissioner Murray made a motion, seconded by Commissioner Plantan, to adjourn the
13 Planning Commission meeting. The motion carried unanimously.

14
15 The Planning Commission meeting was adjourned at 8:02 p.m.

16
17 Respectfully submitted,

18 Tina Borg

19 *TimeSaver Off Site Secretarial, Inc.*